

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
DIVISION

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U. S. DISTRICT COURT
MID. DIST. TENN.

Justin E. Lee

(Name)

1460

(Prison Id. No.)

(Name)

(Prison Id. No.)

Plaintiff(s)

v.

Lisa Hatcher

(Name)

(Name)

Defendant(s)

(List the names of all the plaintiffs filing
this lawsuit. Do not use "et al." Attach
additional sheets if necessary.)

Civil Action No. _____
(To be assigned by the Clerk's Office.
Do not write in this space.)

JURY TRIAL REQUESTED ☐ YES ☒ NO

(List the names of all defendants
against whom you are filing this
lawsuit. Do you use "et al." Attach
additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS FILED
PURSUANT TO 42 U.S.C. § 1983

I. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: Justin Elliott Lee
Prison I.D. No. of the first plaintiff: 1460
Address of the first plaintiff: PO Box 69, Dover, TN 37058

Status of Plaintiff: CONVICTED ☐ PRETRIAL DETAINEE ☒

2. Name of the second plaintiff: _____
Prison I.D. No. of the second plaintiff: _____
Address of the second plaintiff: _____

Status of Plaintiff: CONVICTED ☐ PRETRIAL DETAINEE ☐

In the United States District Court
for the Middle District of Tennessee

DIVISION

Justin E. Lee

1460

Plaintiff

v.

Lisa Hotcher

~~Jessie Battagler~~^{SR} Nurse Practitioner Witherspoon
Advanced Correctional Healthcare

Sandy Webster

Erin Taylor

Mr Greenhill, CO

Stewart Co. Sheriff's office

Defendants

B cont.

3) Advanced Correctional Healthcare

3922 W. Birmg Trace

Peoria, IL 61615

Official Capacity - yes

4) Sandy Webster

Employed at: Stewart Co. Sheriff's Office

PO Box 69

203 Donelson PKWY.

Dover, TN 37058

Official Capacity - yes

Individual Capacity - yes

5) Ern Taylor

Employed at: Stewart Co Sheriff's Office

PO Box 69

203 Donelson PKWY

Dover, TN 37058

Official Capacity - yes

Individual Capacity - yes

B cont.

6) Mr. Greenhill

Employed at: Stewart Co. Sheriff's Office

PO Box 69

203 Donelson Pkwy

Dover, TN 37058

Official Capacity - yes

Individual Capacity - yes

7) Stewart Co. Sheriff's Office

PO Box 69

203 Donelson Pkwy

Dover, TN 37058

Official Capacity - yes

(Include the name of the institution and mailing address with zip code for each plaintiff. If any plaintiff changes his or her address, he or she must notify the Court immediately. If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.)

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: Lisa Hatcher
 Place of employment of the first defendant: Stewart Co. Sheriff's Office,
Advanced Correctional Health care
 First defendant's address: Employment Address is PO Box 69
203 Donelson Pkwy. Dover, TN 37058

 Named in official capacity? ☒ Yes ☐ No
 Named in individual capacity? ☒ Yes ☐ No
2. Name of the second defendant: Nurse Practitioner Witherspoon
Jason Bullinger
 Place of employment of the second defendant: Stewart Co Sheriff's Office,
Advanced Correctional Health care
 Second defendant's address: Employment address is PO Box 69,
203 Donelson Pkwy Dover, TN 37058

 Named in official capacity? ☒ Yes ☐ No
 Named in individual capacity? ☒ Yes ☐ No

See Attached

(If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, his or her place of employment, address, and the capacity in which you are suing that defendant. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide each defendant's proper name, place of employment, and address, the Clerk will be unable to serve that defendant should process issue.)

II. JURISDICTION

- A. Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (applies to state prisoners).
 Jurisdiction is also invoked pursuant to 28 U.S.C. § 1343(a)(3).

If you wish to assert jurisdiction under different or additional statutes, you may list them below:

III. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuit(s) in the United States District Court for the Middle District of Tennessee, or in any other federal or state court? Yes ~~X~~No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs _____

Defendants _____

2. In what court did you file the previous lawsuit? _____

(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)

3. What was the case number of the previous lawsuit? _____

4. What was the Judge's name to whom the case was assigned? _____

5. What type of case was it (for example, habeas corpus or civil rights action)? _____

6. When did you file the previous lawsuit? (Provide the year, if you do not know the exact date.) _____

7. What was the result of the previous lawsuit? For example, was the case dismissed or appealed, or is it still pending? _____

8. When was the previous lawsuit decided by the court? (Provide the year, if you do not know the exact date.) _____

9. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit? Yes No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

IV. EXHAUSTION

A. Are the facts of your lawsuit related to your present confinement?

☒ Yes ☐ No

B. If you checked the box marked "No" in question III.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain. _____

C. Do the facts of your lawsuit relate to your confinement in a Tennessee state prison?

☐ Yes ☒ No

(If you checked the box marked "No," proceed to question IV.G. If you checked the box marked "Yes," proceed to question IV.D.)

D. Have you presented these facts to the prison authorities through the state grievance procedure? ☐ Yes ☐ No

E. If you checked the box marked "Yes" in question III.D above:

1. What steps did you take? _____

2. What was the response of prison authorities? _____

F. If you checked the box marked "No" in question IV.D above, explain why not. _____

G. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)? ☒ Yes ☐ No

H. If "Yes" to the question above, have you presented these facts to the authorities who operate the detention facility? ☐ Yes ☒ No

I. If you checked the box marked "Yes" in question III.H above:

1. What steps did you take? _____

2. What was the response of the authorities who run the detention facility? _____

J. If you checked the box marked "No" in question IV.H above, explain why not. _____

Fear of retribution. I have witnessed other inmates complain and take issue with the medical conditions and their treatment got worse. I am also trustee receiving 2 for 1 days credit and fear I will also loose that status.

V. CAUSE OF ACTION

Briefly explain which of your constitutional rights were violated:

They are all in my mind Eighth Amen. Violations. Basically the staffs, deliberate indifference to my obvious serious medical condition. There was ^{and is} substantial risk for harm (mental and physical pain). They had, and have, knowledge of this concern and administration fail to provide me a means for treatment. Also the medical staff, with their knowledge, must be aware of the torturous nature of my condition.

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 ½ inch x 11 inch paper. Write on one side only, and leave a 1-inch margin on all 4 sides.

See Attached

V. Cause of Action

Claim 1)

On 5.4.16 Plaintiff, Justin Lee, a pre-trial inmate of the Stewart Co. Detention Ctr. in Dover, TN wrote the medical staff, using the facility's electronic kiosk about a rash he developed and needed treatment for. This was during a scabies outbreak and the nurse, Lisa Hatcher, subsequently treated Mr. Lee with six tablets she described as Anti-Helmeths. Mr Lee suffers from many serious medical concerns including: Liver failure, severe osteo-perosis, several spinal "Burst" fractures, and Bi-Polar disorder. All of these conditions are well documented in the Plaintiff's medical file. Around the first of January 2016, approximately one month after Justin Lee's arrest, the medical staff received Mr. Lee's medical history from Vanderbilt Medical Center. From that time the medical staff, including nurse Lisa Hatcher and nurse practitioner ^{Winterspoon} ~~Jason Ballinger~~, have been adversarial towards the Plaintiff regarding his medical care.

During the next few months the Plaintiff's skin condition continued to worsen. Mr. Lee expressed this to Lisa Hatcher on several occasions yet was never given any additional treatment.

On 7.7.16 the Plaintiff wrote in the kiosk that he needed to be seen by an MD for his rash. Mr. Lee used the words "I am dying with this rash please help!"

A few days later Lisa Hatcher replied in the Kiosk, "Diphenhydramine is available on commissary".

On 7.27.16 a request to see a specialist was made in the Kiosk by Mr. Lee. A reply from Lisa Hatcher came "Do so when you get out". As a note, Mr. Lee, the Plaintiff is facing a 6-12 y. sentence. During this time Mr. Lee requested help from several people but was always instructed to "put it in the Kiosk".

On 8.1.16 another request was put in Kiosk by Plaintiff as a "plea for help". Lisa Hatcher replied that an apt. had been made with their medical provider, ^{MR. WITHERSPOON} ~~Jason Ballinger~~, Nurse Practitioner.

On 8.5.16 another request was placed in Kiosk requesting specialist because "Rash is Killing me". Eventually the provider did see Mr. Lee and on two occasions a steroid, Prednisone, was given along with Diphenhydramine.

Since this time the Plaintiff has experienced no relief from the rash and to this day continues to be ignored by the medical staff and correctional officers. The Plaintiff has also learned in recent days that steroids, notably Prednisone, is contraindicated in people with osteoporosis and is concerned about any ill effects from this treatment.

The Plaintiff believes that Lisa Hatcher and

Nurse Practitioner Witherspoon

~~Jason Ballinger~~, along with Advanced Correctional Healthcare has violated his Eighth Amendment rights by failure to treat his rash (Boretti v. Wisconsin), exhibited deliberate indifference and that his condition qualifies as "a serious medical need"

Further on 7.27.16 Lisa Hatcher denied access to medical Personnel

Claim 2)

on 9.11.16 Plaintiff, Justin Lee, requested a Diphenhydramine tablet from Correctional officers Sandy Wilburn and Erin Taylor during the evening Med. Pass. They denied him this medication and informed him that they were aware of his rash and would get with their Sgt., Caleb Rosette, about contacting the nurse and dispensing the med.

Mr. Lee was ignored later that night and denied med.

on 9.13.16 the plaintiff, Mr. Lee, requested Diphenhydramine from C.O. Greenhill. He was denied. Mr. Lee requested that Greenhill contact his Sgt., James Gream, and the Nurse, Lisa Hatcher about dispensing the med. Mr. Lee never received a response.

The Plaintiff believes that the following individuals have violated his Eighth Amendment rights because

The medical need was "more than obvious to a layperson"

Claim 3)

As a result of claims 1 and 2 the plaintiff, Justin Lee, believes that a clear violation has been committed by the Stewart Co. Sheriff's Office by not providing a system of ready access to medical care

Because of the following the plaintiff seeks damages assorted with pain and suffering, and deterioration of health, and he also request that his further medical care is provided by a third party, preferably his medical providers at Vanderbilt university.

VII. RELIEF REQUESTED: State exactly what you want the Court to order each defendant to do for you.

See Attached

I request a jury trial. ☐ Yes ☐ No

VIII. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: *[Signature]* Date: 9.16.16
 Prison Id. No. 1460
 Address (Include the city, state and zip code.): Justin Lee, PO BOX 69,
203 Denelson PKWY, Dover, TN 37058

Signature: _____ Date: _____
 Prison Id. No. _____
 Address (Include the city, state and zip code.): _____

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information requested above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT AND (1) THE REQUIRED FILING FEE OR (2) COMPLETED APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES AND COSTS TOGETHER.

Complaints received without the required filing fee or application to proceed without prepayment of fees will be returned. Filing fees and applications to proceed without prepayment of fees submitted without a complaint will be returned.

VII Relief Requested

Claim 1) Lisa Hatcher, ^{Mr. Witherspoon} ~~Jason Ballanger~~, 3 Advanced
Correctional Health care

Defendants should be ordered to excuse themselves from Plaintiff's medical care, pay for a physical exam to determine what, if any, malpractice was committed, pay for any needed medical care, provide court and legal costs, and pay 250⁰⁰ \$ per day for pain and suffering from the date of first notification of 5.4.16. Any additional malpractice on behalf of Jason Ballanger will be assessed as well as any punitive damages towards Advanced Correctional Healthcare

Claim 2) Sandy Webster, Erin Taylor, Greenhill

Defendants should pay court and legal cost as well as 1000⁰⁰ \$ per day for dates involved

Claim 3) Stewart Co. Sheriff's Office

Defendant should be ordered to pay court cost and legal fees, ordered to provide facility with a more accessible route to medical treatment, and ordered to pay 100,000⁰⁰ \$ to Plaintiff.